

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

WILLIE ED HALEY,	)	
	)	
Plaintiff	)	
	)	No. 1:15-0002
v.	)	Senior Judge Haynes/Bryant
	)	
JAMIE MAHAR,	)	
	)	
Defendant	)	

TO: THE HONORABLE WILLIAM J. HAYNES, JR.

**REPORT AND RECOMMENDATION**

Plaintiff Haley, a prisoner proceeding *pro se*, has sent a letter to the Court stating that he lacks funds to pursue this matter any further, and that he no longer wishes to "press this incident" (Docket Entry No. 36).

The undersigned Magistrate Judge construes this letter to be Plaintiff's motion to dismiss his complaint voluntarily. Defendant Jamie Mahar has filed an answer and a motion for summary judgment (Docket Entry Nos. 11 and 24). Therefore, Plaintiff may dismiss his complaint voluntarily only by Court order, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Defendant Mahar has not opposed Plaintiff's request to dismiss his complaint voluntarily.

**RECOMMENDATION**

In the absence of any opposition, the undersigned Magistrate Judge recommends that Plaintiff's Haley's motion to dismiss voluntarily be granted.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

**ENTER** this 6<sup>th</sup> day of October, 2015.

/s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge